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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BOCHNA, DAVID

ART UNIT PAPER NUMBER

3679

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/829,157

Applicant(s)

OHYA, HIROSHI

Examiner

David E. Bochna

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Richardson.

In regard to claim 25, Richardson discloses a sleeve-type pipe joint comprising a joint body 14 having a cylindrical projection 17 adapted to be inserted into a pipe 11 to be connected; and a shrinkable member 23 mounted onto an outer surface of said pipe; said shrinkable member comprising a resiliently deformable sleeve portion 26 having a tapered portion on an outer surface, and a high-rigidity ring portion 24 integrally connected to said sleeve portion via a thin portion 41; the relative movement of said sleeve portion and said ring portion toward each other causing said ring portion 24 to get seated on said sleeve portion with said thin portion cut, whereby said sleeve portion is deformed inward (via 21), resulting in the tight connection of the inner surface of said pipe to the outer surface of said cylindrical projection.

In regard to claim 26, wherein said shrinkable member 26 has at least one portion engageable with said joint body 22.

In regard to claim 27, wherein said sleeve portion has a flange portion 26.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson in view of Woodling.

Richardson discloses a sleeve portion that is designed to contract, but does not specifically disclose that the sleeve portion has a longitudinal slit. Woodling teaches providing a contractible sleeve 34 with a longitudinal slit 38, 39 in order to improve the contracting properties of the sleeve. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the sleeve 26 of Richardson to include a longitudinal slit, as taught by Woodling, in order to improve upon the contracting characteristics of the sleeve portion.

5. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lyon in view of Schwarz and Woodling.

In regard to claim 31, Lyon discloses a sleeve-type pipe joint comprising a joint body 10 having a cylindrical projection 26 adapted to be inserted into a pipe 12 to be connected; and a shrinkable member 18 mounted onto an outer surface of said pipe; said shrinkable member comprising a high-rigidity ring portion 16, at least one portion engageable with said joint body 36, which integrally extends from a front end of said ring portion, and a resiliently deformable sleeve portion 18; said sleeve portion comprising a shrinkable portion 50 having a tapered outer surface 48 and a flange portion 46 in this order from the side of said joint body; the sliding movement of said sleeve portion 18 toward said joint body causing said sleeve portion to enter into a space 60 between said ring portion and said pipe with said thin portion cut, whereby said

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sleeve portion 50 is deformed inward, resulting in the tight connection of the inner surface of said pipe to the outer surface of said cylindrical projection. Lyon discloses a pipe connection that is designed for easy assembly and connection but does not disclose that the ring portion and sleeve portion are one integral member. Schwarz teaches supplying one integral ring and sleeve portion to reduce the number of assembly parts, thereby making a pipe connection that is easier to assemble. Therefore it would have been obvious to make the sleeve and ring member of Lyon integral, in order to make the assembly easier. Also, it would have been obvious to make the two pieces of Lyon one because one-piece construction, in place of separate elements fastened together, is a design consideration within the skill of the art. In re Kohn, 391 F.2d 959, 157 USPQ 275 (CCPA 1968); In re Larson, 340 F.2d 965, 144 USPQ 347 (CCPA 1965).

In regard to the longitudinal slit, Lyon discloses a sleeve portion 18 that is designed to contract, but does not specifically disclose that the sleeve portion has a longitudinal slit. Woodling teaches providing a contractible sleeve 34 with a longitudinal slit 38, 39 in order to improve the contracting properties of the sleeve. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the sleeve 18 of Lyon to include a longitudinal slit, as taught by Woodling, in order to improve upon the contracting characteristics of the sleeve portion.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "David Bochna", with a stylized flourish at the end.

David E. Bochna
Primary Examiner
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